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REMARKS

In the Office Action, the Examiner noted that the claims 1-3, 5-21, 23, 24, 26 and 27 are pending in the application and that the claims 1-3, 5-21, 23, 24, 26 and 27 are rejected over a prior art reference. By this response, claim 1 has been amended and claim 6 has been cancelled. Applicants believe no issue of new matter should arise and entry of amendment is respectfully requested. Thus, claims 1-3, 5-21, 23, 24, 26 and 27 remain pending in the application. Applicant respectfully traverses the rejections for the reasons indicated below.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1, 16, 20, 23, 26 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully traverses this rejection.

With respect to Examiner's statement for claims 1, 16, 20, 23, 26 and 27 that the limitations "project," "users," "group," "information," "items," and "classes" are vague and should state what type of information they are representing, Applicants respectfully submit that this is an inappropriate application of the definiteness requirement under 35 U.S.C. § 112, second paragraph. Applicants object to the Examiner's attempt to force the applicant to rewrite the claims to include additional requirements/limitations. Applicants should be free to write their claims in any manner as they see fit.

The Manual of Patent Examining Procedure (MPEP) clearly permits claims to be drafted in the format of the currently pending claims. For example, the MPEP states at § 2173.02 (8th ed. Rev. 3, Feb. 2005):

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. **Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim**

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language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

Similarly, the MPEP states at § 2173.02 (8th ed. Rev. 3, Feb. 2005).

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).... **If applicant does not accept the examiner's suggestion, the examiner should not pursue the issue.**

As stated by the Court of Customs and Patent Appeals:

By statute, 35 U.S.C. 112, Congress has placed **no limitations** on how an applicant claims his invention, so long as the specification concludes with claims which particularly point out and distinctly claim that invention.

In re Pilkington, 162 USPQ 145, 148 (C.C.P.A. 1969) (quoting *In re Steppan*, 156 USPQ 143, 148 (C.C.P.A. 1968)).

Similarly, the Board of Patent Appeals and Interferences has stated:

In our judgment, a patent applicant is entitled to a reasonable degree of latitude in complying with the second paragraph of 35 U.S.C. § 112 and the examiner may not dictate the literal terms of the claims . . . Stated another way, a patent applicant must comply with 35 U.S.C. § 112, second paragraph, but just how the applicant does so, within reason, is within applicant's discretion.

In re Tanksley, 37 USPQ 2d 1382, 1386 (B.P.A.I. 1994).

The Board has also stated that, "It is well established that the invention claimed need not be described *ipsis verbis* in order to satisfy the disclosure requirement of § 112." *Ex parte Holt*, 19 USPQ 2d 1211, 1213 (B.P.A.I. 1991). The CCPA has stated the following:

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The absence of the limitation has a precise meaning. . . . This principle is the very basis of this court's consistent refusal to read limitations of the specification into the claims. . . . In our recent decision in *In re Wakefield*, . . . we considered an indefiniteness rejection involving the absence of a limitation. We reversed the rejection, stating . . . : "The scope of the claim is still definite, however, because each recited limitation is definite."

In re Fisher, 166 USPQ 18, 23 (C.C.P.A. 1970).

In addition, Applicants would like to emphasize that the Examiner should not attempt to force the Applicant to redraft claims. As stated by the CCPA: "An applicant is entitled to claims as broad as the prior art and his disclosure will allow." *In re Rasmussen*, 211 USPQ 323, 326 (C.C.P.A. 1981).

Accordingly, Applicants respectfully submit that claims 1, 16, 20, 23, 26 and 27 satisfy the requirements under 35 U.S.C. §112, second paragraph. Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102(e)

Claims 1-3, 5-21, 23, 24, 26 and 27 are rejected under 35 U.S.C. §102(e) as being anticipated by Smith II et al. (US Patent Number 7,035,821), hereafter "Smith."

Applicants respectfully traverse the rejection and respectfully submit that the presently claimed invention is not described by Smith. Applicants discuss the rejection below as it applies to (a) independent claims 1, 16, 20, 23, 26 and 27; and (b) dependent claims 2-3, 5-15, 17-19, 21 and 24.

(a) Independent claims 1, 16, 20 and 23

Claim 1 states in combination:

In a computer-implemented system, a method for at least one of controlling access, overseeing, and managing at least one of electronic information including at least one of structured and unstructured electronic data, documentation, and other information, a plurality of items comprising the electronic information, and of a plurality of projects comprising at least a portion of the plurality of items, said method comprising at least

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one of the sequential, non-sequential, and sequence independent steps of:

(A) classifying the plurality of items in a plurality of classes, wherein the classes are selected from: activities, people, places, objects, and time;

(B) determining retrieval criteria including the at least one reference for at least one class of interest selected from the plurality of classes;

(C) associating at least one user with at least one reference, wherein the at least one user is indicated as having at least one access level of a plurality of access levels, wherein the at least one reference includes at least one of: a unique identifier, a keyword, a root term, a portion of a keyword, and a plurality of words;

(D) associating the at least one reference with at least one of at least one item and at least one project;

(E) retrieving the at least one of the at least one item and at least one project associated with the at least one reference;

(F) associating a plurality of users, including the at least one user, with at least one group, and assigning the at least one group access level to the at least one of the at least one item and the at least one project;

(G) responsive to the at least one user, providing information representative of the at least one of the at least one item and the plurality of items in the at least one project associated with the at least one of the at least one reference and the at least one group; and

(H) providing the at least one item to the at least one user with the at least one access level corresponding to the at least one reference associated therewith.

Applicant respectfully submits that the cited reference (Smith) is not relevant to the above-identified claims.

Without conceding that Smith discloses any of the features of the present invention, Smith is concerned with providing "systems and processes for lending that utilize integrated Internet-based electronic reporting and workflow process management." (Col. 1, lines 35-37).

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The method disclosed by Smith is not related to "a method for at least one of controlling access, overseeing, and managing at least one of electronic information including at least one of structured and unstructured electronic data, documentation, and other information, a plurality of items comprising the electronic information, and of a plurality of projects comprising at least a portion of the plurality of items," as recited in claim 1. Instead, Smith teaches a "system [] configured to facilitate electronic submission of financial reports from accounting systems using native reporting tools, automated extraction of financial information from the submitted reports, on-line requests for credit, document management and business process automation, automated risk assessment, and web-based financial reporting for both internal and external system users." (Col. 1, lines 37-44)

Smith does not "associate[e] at least one user with at least one reference, wherein the at least one user is indicated as having at least one access level of a plurality of access levels, wherein the at least one reference includes at least one of: a unique identifier, a keyword, a root term, a portion of a keyword, and a plurality of words" and "associate[e] the at least one reference with at least one of at least one item and at least one project," as recited in claim 1. Unlike the claimed invention, Smith finds it is necessary to have several different accounting system interfaces for "alternative communications between a customer and the system, and in order to address the broadest client base." (Col. 8, lines 4-7). Smith defines an interface as "a pair-wise combination of report format and method for electronic submission." (Col. 8, lines 4-7). Smith explains that "[a]t the lowest level interface (Level 1), the broadest spectrum of client base is addressed by having the loosest coupling to the accounting system," and "[a]s the interface level increases, the accounting system will have a tighter coupling with the system, which provides increased functionality at the expense of decreasing the number of clients to which the interface may be applied." (Col. 8, lines 4-7). Smith **neither teaches "associating at least one user with at least one reference, wherein the at least one user is indicated as having at least one access level of a plurality of access levels," nor suggests "associating the at least one reference with at least one of at least one item and at least one project,"** as recited in claim 1.

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Similar arguments apply to claims 16, 20, 23, 26 and 27 as well as addresses limitations presented in each of these claims when each is interpreted for the combination of limitations recited therein.

(b) Dependent claims 2-3, 5-15, 17-19, 21 and 24

In view of the arguments presented above for the independent claims 1, 16, 20, 23, 26 and 27, the Applicant respectfully submits that the corresponding dependent claims 2-3, 5-15, 17-19, 21 and 24 are allowable for the reasons discussed above as well as additional limitations recited in each dependent claim also interpreted in combination.

Smith does not disclose the step of “denying access to at least one other user wherein at least one of the at least one reference and the at least one project are not associated with the at least one other user,” as recited in claim 7. Instead, Smith **merely discloses** an “[i]nterface [that] allows custom properties to be associated with the virtual printer.” (Col. 11, lines 8-9). According to Smith, “[t]hese properties are stored to preserve the settings with the user's profile,” and “when transmitting information to be extracted ..., **print driver user interface 416 limits properties of the printer, so the user cannot alter the layout of the document.**” (Col. 11, lines 18-21). Smith does not teach “*denying access to at least one other user wherein at least one of the at least one reference and the at least one project are not associated with the at least one other user,*” as recited in claim 7.

Similar arguments apply to claims 2-6, 8, 11-15, 17-18, 21-22 and 24-25 as well as addresses limitations presented in each of these claims when each is interpreted for the combination of limitations recited therein.

Claims 2-3 and 5-15 depend directly or indirectly from claim 1, claims 17-19 depend directly or indirectly from claim 16, claim 21 depends directly or indirectly from claim 20 and claim 24 depends directly or indirectly from claim 23, and are deemed to be allowable for reasons discussed above as well as additional limitations recited in each dependent claim also interpreted in combination.

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In view of the above, Applicants respectfully submit that claims 1-3, 5-21, 23, 24, 26 and 27 are not anticipated by the cited reference and respectfully request that the rejection under 35 U.S.C. § 102(e) of these claims be withdrawn.

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CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary

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to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

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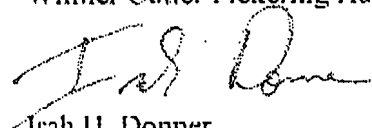
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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to Deposit Account No. 08-0219

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 08-0219.

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